

REMARKS

The Office Action mailed 3 May 2007 has been received and considered.

DRAWINGS:

The drawings are objected to as failing to comply with the provisions of 37 CFR 1.84(p)(5). Applicant respectfully traverses the objection. The Examiner has indicated that the drawings fail to include the reference sign "10" as mentioned in the description. Applicant respectfully directs the Examiner's attention to FIGS 6q, 6r and 6s of applicant's drawings. Each of these drawing figures includes the reference number "10." In view of the inclusion of the reference number in these drawing figures, applicant requests that the objection to the drawings be withdrawn.

SPECIFICATION:

The specification presently stand objected to in view of a number of informalities. Responsive to the indications of the Examiner, applicant has reviewed the specification and has amended the specification to rectify the informalities noted by the Examiner. For purposes of clarity applicant submits herewith a substitute specification wherein the various amendments have been entered. Notably, the applicant has substituted the word "rim" for the previous term "shrivel" responsive to the Examiner's suggestion. Applicant submits that the substitution of this term is supported by the drawings. The term "tensoactive" has been replaced with the term "surfactant." The term "sensor" has been replaced with the term "indicator" to more clearly define the invention. The terminology "communication device" has been removed from the specification and claims. The wording "hollow form" has been removed from the application.

CLAIMS:

The objection to claims 71-74 has been addressed with respect to claims 71, 72 and 74 by the cancellation of those claims. Claim 73 has been amended to address the issue of the relaxed spring and the wording "hollow form" in view of these amendments applicant respectfully

submits that the basis of the objections has been removed. Withdrawal of the objections is requested.

Claims 45, 53-56, 63, 64, 66 and 73 stand objected to, apparently in view of their dependency from a rejected claim base. Applicant has rewritten claims 45, 53, 63, 66 and 73 in independent form, incorporating into each claim all of the limitations of its respective base claim. In view of these amendments, applicant respectfully submits that claims 45, 53, 63, 66 and 73 should now be in condition for allowance. Claims 54-56 and claim 64 depend respectively from claims 53 and 63. In view of the allowability of the respective base claims of claims 54-56 and claim 64, these latter claims should also now be in condition for allowance.

Claims 1, 41-43, 46-51, 57, 62, 67, 71, 72, 75, 76 and 79 stand rejected under 35 USC 102 over Hammond, Jr. (hereinafter "Hammond"). With the exception of claim 1, applicant has cancelled all of the identified claims thereby rendering their rejection moot. With respect to claim 1, applicant has amended the claim in an effort to overcome the instant rejection. As amended claim 1 is directed to a temperature sensitive indicator. As claimed, this indicator includes a tube having an axially movable piston disposed therein. The piston, in association with the tube, defines two compartments, a first compartment being defined between the piston and a closed end of the tube and a second compartment being defined between the piston and an open end of the tube. A compressible means is disposed within the first compartment while a freezable fluid is located in the second compartment. A releasable cap is positioned to cover the open end of the tube to retain the freezable fluid within the second compartment.

The claimed device is activated by a release of the releasable cap in response to the frost action of the freezable fluid inside the second compartment. When the freezable fluid inside the second compartment thaws and flows out of the second compartment and subsequently out of the tube, the piston is displaced in an irreversible motion in a single direction within the tube. The indicator thereby reveals the occurrence of a temperature increase in the indicator's environment by the irreversible motion of the piston.

Applicant respectfully submits that Hammond does not teach all of the claimed limitations of claim 1, as amended.

The Hammond device utilizes a piston fabricated from a ferromagnetic material. In Hammond, it appears that the action of the piston is activated by a build up in a magnetic field. In contrast, the instant claims are directed to a structure whose operation is activated by a releaseable cap responding to the frost action of a freezable fluid inside the second compartment. As the cap is partially or completely released from its engagement with the open end of the indicator tube, the open end permits a flow of the freezable fluid outwardly from the second compartment. Hammond does not appear to teach the claimed use of a releasable cap nor its operational association with the open end of the indicator tube.

The irreversible displacement of the instantly claimed piston is dependent on the unthawing of the freezable fluid and its subsequent evacuation from the second compartment through the open end which is unsealed by the release of the cap. The action of the Hammond piston appears to rely on a magnetic force for its displacement. The displacement of the Hammond piston does not appear to be an irreversible motion dependent on the thawing of a freezable fluid and the flow of that fluid out of a compartment. Instead, any irreversible piston motion, if such can be said to exist in the Hammond device, results from the presence of a hook. It follows that Hammond does not teach the claimed structure.

As noted above, the instant claims include the limitation of a releasable cap which is partially or completely releasable from its engagement with the open end of the tube. Hammond does not appear to teach a cap which is partially releasable from the tube.

Claims 71 and 72 stand rejected under 35 USC 102(b) over Shotkin. This rejection has been rendered moot by the cancellation of these claims.

Claims 44, 61 and 68 stand rejected under 35 USC 103(a) over Hammond in view of Gleason. These claims have been cancelled thereby rendering their rejection moot.

Claim 52 stands rejected under 35 USC 103 over Hammond in view of Chalmers and Weiss.
Claim 52 has been cancelled thereby rendering its rejection moot.

Claims 58 and 59 have been rejected under 35 USC 103 over Hammond in view of Patel.
Claims 58 and 59 have been cancelled thereby rendering their rejection moot.

Claims 60 and 78 have been rejected under 35 USC 103 over Hammond in view of Shahinpoor et al. These claims have been canceled thereby rendering their rejection moot,

Claim 65 has been rejected under 35 USC 103 over Hammond in view of Gleason and Shahinpoor et al. Claim 65 has been canceled thereby rendering this rejection moot.

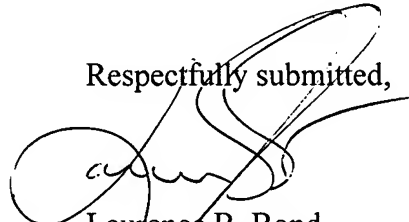
Claims 69 and 70 stand rejected under 35 USC 103 over Hammond. These claims have been canceled rendering their rejection moot.

Claim 74 has been rejected under 35 USC 103 over Shotkin in view of Chalmers. This claim has also been cancelled, rendering its rejection moot.

CONCLUSION:

In view of the amendments to claims 1, 45, 53, 63, 66 and 73, these claims, together with the claims dependent thereon should now be in condition for allowance. Claim 1 and the claims dependent thereon should now be allowable for the reasons indicated above. Examination of the newly added claims is respectfully requested.

Respectfully submitted,



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Enclosures: Appendices A and B

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